

Ordinance No: O-16-38
Zoning Text Amendment No: 09-04
Concerning: Rural Neighborhood
Cluster (RNC) Zones - Equestrian
Facilities
Draft No. & Date: 1 - 5/12/09
Introduced: June 16, 2009
Public Hearing: July 21, 2009
Adopted: September 15, 2009
Effective: September 15, 2009

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Knapp

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow equestrian facilities in the RNC and RNC/TDR zones under certain circumstances; and
- make editorial changes to the land use provisions of Agricultural zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-9. "AGRICULTURAL ZONES"
Section 59-C-9.3 "Land uses"

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

***[Single boldface brackets]** indicate text that is deleted from existing law by the original text amendment.*

***Double underlining** indicates text that is added to the text amendment by amendment.*

***[[Double boldface brackets]]** indicate text that is deleted from the text amendment by amendment.*

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment No. 09-04 was introduced on June 16, 2009. The ZTA proposed to amend the Rural Neighborhood Cluster (RNC) Zones to allow lots larger than 2 acres to board and raise 1 horse per acre. No more than 5 horses would be allowed on sites larger than 5 acres. More than 5 horses would require a special exception. Currently, boarding 1 horse requires a special exception. In the sponsor's opinion, the current limitation is unduly restrictive in agricultural zones.

The Montgomery County Planning Board, in its report to the Council, recommended that the zoning text amendment be approved with amendments.

The County Council held a public hearing on July 21, 2009 to receive testimony concerning the proposed zoning text amendment. The zoning text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession to review the amendment on July 27, 2009. After consideration of the issues raised in testimony, the Committee recommended approval of ZTA 09-04 as introduced. The Committee noted that the RNC zone was an agricultural zone; allowing horses in the zone under the circumstances proposed in the ZTA would be consistent with its agricultural classification. The ZTA would only allow for horses owned or used by the resident of the property to be stabled on RNC zoned property.

The District Council reviewed Zoning Text Amendment 09-04 at a worksession held on September 15, 2009, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment 09-04 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-C-9. is amended as follows:

Division 59-C-9 AGRICULTURAL ZONES.

* * *

59-C-9.3 Land uses.

No use is allowed except as indicated in the following table:

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions[, in accordance with the provisions of] under Article 59-G.

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
(a) Agricultural:							
Agricultural processing, primary						P	P
Equestrian facility. ⁴¹	P/SE	P/SE	P/SE	P/SE	P/SE	P [*] /SE ²	P [*] /SE ²
Farm. ¹	P	P	P	P	P	P	P
Fish hatchery.	P	P	P	P	P		
Other agricultural use.	P	P	P	P	P	P	P

* * *

*A resident of a lot or parcel at least 2 acres in size may raise, ride, and board horses for personal use. One horse is permitted for every 1 gross acre of the lot or parcel, up to a maximum of 5 horses. Any building or manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.

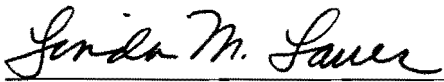
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17 **Sec. 2. Effective date.** This ordinance takes effect immediately after the
18 date of Council adoption.

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20 This is a correct copy of Council action.

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23 Linda M. Lauer, Clerk of the Council